

AMENDMENT TO H. RES. 734
OFFERED BY MR. TOM DAVIS OF VIRGINIA

Strike the preamble and insert the following:

Whereas Stuart Bowen, the Special Inspector General for Iraq Reconstruction, testified before the Committee on Oversight and Government Reform on October 4, 2007, that the “rising tide of corruption in Iraq” is “a second insurgency” that “stymies the construction and maintenance of Iraq’s infrastructure, deprives people of goods and services, reduces confidence in public institutions, and potentially aids insurgent groups reportedly funded by graft derived from oil smuggling or embezzlement”;

Whereas Stuart Bowen, the Special Inspector General for Iraq Reconstruction, also testified at the hearing that “Iraq has [a] history of corruption” and “[the United States] did not bring corruption to Iraq, and it will not be gone whenever we leave” and, further, that corruption in Iraq is “an Iraqi problem” and “something that the Iraqi government on the record recently has recognized”;

Whereas David Walker, the Comptroller General of the United States, testified at the hearing that “widespread corruption undermines efforts to develop the government’s capacity by robbing it of needed resources, some of which are used to fund the insurgency”;

Whereas David Walker, the Comptroller General of the United States, also testified, “None of us should underestimate the challenges of establishing strong and transparent government institutions in the wake of a dictator-

ship where corruption was woven into the very fabric of governing. And none of us should underestimate the challenge of rooting out corruption in a combat zone, even one where violence is diminishing as we have seen over the past six months” and “I believe that in general terms it’s not the U.S. government’s responsibility, nor is it appropriate, for us to investigate Iraqi sovereign money”;

Whereas Judge Radhi Hamza al-Radhi, the former Commissioner of the Iraqi Commission on Public Integrity, testified at the hearing that “corruption in Iraq today is rampant across the government, costing tens of billions of dollars, and has infected virtually every agency and ministry, including some of the most powerful officials in Iraq”, that “the Ministry of Oil [is] effectively financing terrorism”, and that Prime Minister Nouri al-Maliki “has protected some of his relatives that were involved in corruption”;

Whereas Judge Radhi Hamza al-Radhi, the former Commissioner of the Iraqi Commission on Public Integrity, further testified, “I thank the United States because it removed a dictatorship that oppressed the Iraqi people” and “In reality, the Iraqi people would hope that you continue your support to them, otherwise they will be suppressed by the neighboring countries” and, “In reality, it’s a great endeavor that you came to Iraq and to liberate. Liberation was a great endeavor. And I believe if you help the Iraqi people to be managed and governed by an honest government, I believe that the problem will be over,” and Judge Radhi further testified that Iraq has a culture of corruption going back many years and that corruption is pervasive throughout the Middle East;

Whereas the Independent Commission on the Security Forces of Iraq, chaired by General James L. Jones, U.S.M.C. (Ret.), reported on September 6, 2007, that “sectarianism and corruption are pervasive in the MOI [Ministry of Interior] and cripple the ministry’s ability to accomplish its mission to provide internal security of Iraqi citizens” and that “the National Police should be disbanded and reorganized”;

Whereas the Independent Commission on the Security Forces of Iraq, chaired by General James L. Jones, U.S.M.C. (Ret.), reported on September 6, 2007, that “the Ministry of Defense is assessed as being one of the better-functioning agencies of the Iraqi government” and that “[i]t is building the necessary institutions and processes to fulfill its mission of overseeing and resourcing the Iraqi armed forces” and that corruption within the Ministry of Interior is endemic and has been present since the rule of Saddam Hussein;

Whereas on September 25, 2007, the State Department instructed officials not to answer questions in an open setting that ask for “Broad statements/assessments which judge or characterize the quality of Iraqi governance or the ability/determination of the Iraqi government to deal with corruption, including allegations that investigations were thwarted/stifled for political reasons’ ”;

Whereas on the same date, State Department counsel, concerned about specific assessments regarding the governance capacities of Iraqi ministries and ministers made in an open setting and the potential that these statements could affect the United States’ bilateral relationship with the Government of Iraq and could put in danger the lives of Americans and the lives of America’s allies, repeatedly

offered to make United States government officials and employees available to respond to questions regarding potentially sensitive or classified information, including foreign government information, in an appropriately secure setting;

Whereas Members of the Committee on Oversight and Government Reform asked Ambassador Lawrence Butler, Deputy Assistant Secretary of State for Near Eastern Affairs, at the hearing whether “the Government of Iraq currently has the political will or the capability to root out corruption within its Government”, whether “the Maliki Government is working hard to improve the corruption situation so that he can unite his country”, and whether Prime Minister Maliki “obstructed any anticorruption investigations in Iraq to protect his political allies”;

Whereas Ambassador Butler at the hearing also repeatedly informed the Committee he would respond to questions regarding potentially sensitive or classified information, including assessments of foreign governments, in an appropriately secure setting;

Whereas Ambassador Butler refused to answer these questions at the hearing because “questions which go to the broad nature of our bilateral relationship with Iraq are best answered in a classified setting”, although he did answer questions at the hearing that portrayed the Iraqi Government in a positive light;

Whereas Ambassador Butler acknowledged the existence of published statements and reports commenting favorably on Iraqi Government policies and capabilities, but testified that the questions posed by the Committee involve “...the nature of our relationship with the government of

Prime Minister Maliki. And we have repeatedly, on many occasions, offered to the committee and to staff to provide answers to questions like this in a classified setting”;

Whereas Ambassador Butler testified at the hearing that “the issues and the aspects that are involved in the fight against corruption in Iraq risk people’s lives.... You heard that from Judge Radhi earlier today, what has happened to him and to his colleagues. It potentially endangers the lives of fellow Americans...”;

Whereas David Walker, the Comptroller General of the United States, also testified “[I] can understand why the State Department might have a concern if [you] were talking about specific individuals, because, frankly, in our own country we would probably have concerns about testifying with regard to ongoing investigations dealing with specific parties”;

Whereas the State Department retroactively classified portions of the report titled “Stabilizing and Rebuilding Iraq: U.S. Ministry Capacity Development Efforts Need an Overall Integrated Strategy to Guide Efforts and Manage Risk”, which was released at the hearing by Comptroller General Walker and which addressed the commitment of the Iraqi Government to enforce anticorruption laws;

Whereas the State Department notified the Government Accountability Office that material referenced in the report titled “Stabilizing and Rebuilding Iraq: U.S. Ministry Capacity Development Efforts Need an Overall Strategy to Guide Efforts and Manage Risk”, had been classified and, as a result, the Government Accountability Office issued a revised version of the report and the Committee recalled all copies of the previous report from Members;

Whereas the report cited by the Government Accountability Office in its report titled “Stabilizing and Rebuilding Iraq: U.S. Ministry Capacity Development Efforts Need an Overall Integrated Strategy to Guide Efforts and Manage Risk’” was an internal, unpublished, unedited, and unapproved draft report on corruption in Iraq that, as described by one employee of the United States Embassy in Iraq, had been embellished with anecdotes “for flavor,”;

Whereas the State Department also retroactively classified two reports on corruption in Iraq prepared by the Office of Accountability and Transparency in the United States Embassy in Iraq;

Whereas before release of draft embassy reports to Congress or the public, the State Department conducted a classification review of internal, unpublished, unedited, and unapproved draft reports on corruption in Iraq and determined these documents contained information on “foreign relations or foreign activities of the United States, including confidential sources” disclosure of which could reasonably be expected to cause harm to the national defense or foreign relations of the United States, and that such information was subject to proper classification under Executive Order 12958 as amended by Executive Order 13292;

Whereas the United States has spent over \$450,000,000,000 on the war in Iraq and the President is seeking over \$150,000,000,000 more; and

Whereas more than 3,800 members of the United States Armed Forces have been killed in Iraq and more than 28,000 have been wounded: Now, therefore, be it

Strike all after the resolving clause and insert the following:

1 That it is the sense of the House of Representatives
2 that—

3 (1) as Congress considers the President's re-
4 quest for over \$150,000,000,000 more for the war
5 in Iraq, it is essential that Congress and the people
6 of the United States know the extent of corruption
7 in the Iraqi Government and whether corruption is
8 fueling the insurgency and endangering members of
9 the United States Armed Forces;

10 (2) it is imperative that the Department of
11 State double its efforts and centralize the authority
12 within the United States Embassy in Iraq to assist
13 the Government of Iraq in fighting corruption in all
14 its forms;

15 (3) the Department of State should reempha-
16 size to its employees the proper manner to present
17 complaints about ongoing policy, especially when it
18 deals with classified, or potentially classified, infor-
19 mation, and that Department of State employees not
20 release classified, or potentially classified, informa-
21 tion to their relatives or the media;

22 (4) the decision to classify information con-
23 tained in the Government Accountability Office re-

1 port titled “Stabilizing and Rebuilding Iraq: U.S.
2 Ministry Capacity Development Efforts Need an
3 Overall Integrated Strategy to Guide Efforts and
4 Manage Risk” was made pursuant to Executive
5 Order 12958 and current agency guidelines, and any
6 determination that classification was wrong or im-
7 proper should be undertaken pursuant to established
8 declassification procedures, not by Congressional
9 resolution;

10 (5) it is an abuse of the classification process
11 to withhold from Congress and the people of the
12 United States broad assessments of the extent of
13 corruption in the Iraqi Government;

14 (6) it is not an abuse of the classification proc-
15 ess to protect from unauthorized disclosure informa-
16 tion contained in draft internal, unedited, unpub-
17 lished, and unapproved reports that reasonably may
18 be expected to cause harm to the national defense or
19 foreign relations of the United States;

20 (7) any directive that prohibits Federal Govern-
21 ment officials from providing Congress and the peo-
22 ple of the United States with “broad statements/as-
23 sessments which judge or characterize the quality of
24 Iraqi governance or the ability/determination of the
25 Iraqi government to deal with corruption, including

1 allegations that investigations were thwarted/stifled
2 for political reasons” should be rescinded; and
3 (8) broad statements and assessments judging
4 or characterizing the quality of Iraqi governance or
5 the ability or determination of the Iraqi government
6 to deal with corruption or allegations of political in-
7 terference in anti-corruption efforts are not the pol-
8 icy of the United States Government unless author-
9 ized by the President or the Secretary of State and
10 reviewed for appropriate classification.

Amend the title so as to read: “Resolution express-
ing the sense of the House of Representatives regarding
the appreciation for the political, economic, and security
situation in Iraq and the importance of safeguarding
classified and sensitive governmental information the in-
appropriate release of which could affect the United
States’ bilateral relationship with the Government of Iraq
and could put in danger the lives of Americans or the
lives of America’s allies.”.